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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,245	08/02/2005	Vincent Douglas	348-087	2635

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EXAMINER	
MAY, ROBERT J	
ART UNIT	PAPER NUMBER
2885	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/544,245	DOUGLAS, VINCENT	
	Examiner	Art Unit	
	Robert May	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-14,18-20,23,25-32,34,36 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-13,18-20,25-32,34,36 and 37* is/are rejected.

7)☒ Claim(s) *14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 August 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The amendment submitted March 8, 2007 has been entered.

Claim Objections

Claim 14 is objected to because it depends from a cancelled claim and therefore will not be further treated in this office action.

Claim 27 is objected to because it is the same as Claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, 8, 10-11, 13, 23, 25, 28, 30-31, 34 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Maveety (5,054,299).

Regarding Claims 1, 3, 23 and 37 Freeman discloses in Figure 1, a display apparatus comprising a flexible display member 12 (Col 2, lines 21-22), comprising a flexible electronic pixel array (LCD using a filter having an array of pixels 86 Figured 10, Col 5, lines 65+), and a control unit 14,18,39 (power source 14, integrated circuit Col 3, lines 59-60, and buttons 18) provided at one end of the display member, and the display

member 12 is in the form of a strip of a size suitable to be positioned around a limb of a user (watches or other wearable devices Col 1, lines 4-5). Freeman fails to disclose the display apparatus as comprising a flexible display member capable of being shaped or molded by the application of hand pressure to a shape that is retained until the shape is again altered by hand pressure. Maveety discloses in Figures 1 and 11-12 a flexible display member 20 (for a watch or bracelet as shown in Figures 11-12) capable of being shaped or molded using hand pressure to a shape that is retained until the shape is again altered by hand pressure which is stiff enough without the use of a latch or other retainer (bendable metal bent to a selected form so remains, until being straightened and/or re-bent to the same or another configuration Col 3, lines 18-22) so that the same display member can be worn by all persons, children and arthritic persons of all ages (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display member of Freeman with the flexible display member of Maveety so that the same display member can be worn by all persons, children and arthritic persons of all ages

Regarding Claim 5, Freeman discloses the use of light emitting polymers (display can comprise light emitting polymer displays Col 3, lines 55-57).

Regarding Claims 8 and 28, Freeman discloses in Figure 1, controls (buttons 18) are provided on the control unit 14,18,39.

Regarding Claims 10, Freeman discloses in Figure 6, the use of a timing circuit and the display member 12 is adapted to display time indicia to function as a watch (Col 5, lines 15-20).

Regarding Claim 11, Freeman discloses in Figures 6 and 10, a means for generating visual patterns on the display member 12 (numerical patterns and color patterns, Col 5, lines 65+, and graphical images Col 4, lines 12-15) and functions as an electronic bracelet (fits around a person's wrist, Col 2, lines 21-31).

Regarding Claims 5, 13 and 25 Freeman discloses light emitting polymers on the display (display can comprise light emitting polymer displays Col 3, lines 55-57), but fails to disclose the display member as being bonded to a malleable strip (bendable metal bent to a selected form so remains, until being straightened and/or re-bent to the same or another configuration Col 3, lines 18-22) so that the same display member can be worn by all persons, children and arthritic persons of all ages (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to bond the electroluminescent display to the strip because bonding components using adhesives or the like is a very common method of assembly that can be used readily. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bond the display to the malleable strip of Freeman and Maveety because bonding is a very common method of assembly that can be readily used.

Regarding Claim 28, Freeman discloses in Figure 1, controls (buttons 18) are provided on the control unit 14,18,39.

Regarding Claim 30, Freeman discloses in Figure 6, the use of a timing circuit and the display member 12 is adapted to display time indicia to function as a watch (Col 5, lines 15-20).

Regarding Claim 31, Freeman discloses in Figures 6 and 10, a means for generating visual patterns on the display member 12 (numerical patterns and color

patterns, Col 5, lines 65+, and graphical images Col 4, lines 12-15) and functions as an electronic bracelet (fits around a person's wrist, Col 2, lines 21-31).

Regarding Claim 34, Freeman discloses a display apparatus with a sound sensor (piezoelectric microphone Col 2, lines 39-47).

Regarding Claim 36, Freeman discloses a display apparatus with a sound sensor (piezoelectric microphone Col 2, lines 39-47).

Claims 7, 12, 18-20, 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Maveety as applied to claims 1 and 37 above, and further in view of De La Huerga.

Regarding Claims 7, 20, 27 and 32, Freeman fails to disclose a control unit that is releasably secured to a distal portion of the display member. De La Huerga discloses in Figures 1-5, 10 a control unit (comprising transceiver, battery, and circuit board housed in element 204, Col 10, lines 37-42) which is releasably secured to a distal portion of a display member so that the display member can be disposed of and may be replaced to suit the user and the more expensive controller 204 can be sterilized and reused as a ID bracelet for a different patient in a hospital (Col 6, lines 9-16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display apparatus of Freeman with a control unit that is releasably secured to the display member of Freeman so that the display member can be disposed of and the more expensive controller can be sterilized and reused as a ID bracelet for a different patient in a hospital environment.

Regarding Claim 12, Freeman fails to disclose the display member removably attached to the control unit. De La Huerga discloses in Figures 1-5, 10 a control unit (comprising transceiver, battery, and circuit board housed in element 204, Col 10, lines 37-42) which is releasably secured to a display member so that the display member can be disposed of and may be replaced to suit the user and the more expensive controller 204 can be sterilized and reused as a ID bracelet for a different patient in a hospital (Col 6, lines 9-16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display apparatus of Freeman with a control unit that is releasably secured to the display member of Freeman so that the display member can be disposed of and the more expensive controller can be sterilized and reused as a ID bracelet for a different patient in a hospital environment.

Regarding Claim 18, Freeman discloses in Figure 6, the use of a timing circuit and the display member 12 is adapted to display time indicia to function as a watch (Col 5, lines 15-20).

Regarding Claim 19, Freeman discloses in Figures 6 and 10, a means for generating visual patterns on the display member 12 (numerical patterns and color patterns, Col 5, lines 65+, and graphical images Col 4, lines 12-15) and functions as an electronic bracelet (fits around a person's wrist, Col 2, lines 21-31).

Regarding Claims 27 and 32, Freeman discloses in Figure 1, a display apparatus comprising a flexible display member 12 (Col 2, lines 21-22), comprising a flexible electronic pixel array (LCD using a filter having an array of pixels 86 Figured 10, Col 5, lines 65+), and a control unit 14,18,39 (power source 14, integrated circuit Col 3, lines 59-60, and buttons 18) provided at a distal end of the display member, and the display

member 12 is in the form of a strip of a size suitable to be positioned around a limb of a user (watches or other wearable devices Col 1, lines 4-5). Freeman fails to disclose the display member as being readily removable from the control unit or the control unit releasably secured to the distal portion of the display member. De La Huerga discloses in Figures 1-5, 10 a control unit (comprising transceiver, battery, and circuit board housed in element 204, Col 10, lines 37-42) which is releasably secured to a distal portion of the display member so that the display member can be disposed of and may be replaced to suit the user and the more expensive controller 204 can be sterilized and reused as a ID bracelet for a different patient in a hospital (Col 6, lines 9-16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display apparatus of Freeman with a control unit that is releasably secured to the display member of Freeman so that the display member can be disposed of and the more expensive controller can be sterilized and reused as a ID bracelet for a different patient in a hospital environment.

Claims 9 and 29 ~~is~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Maveety as applied to Claims 8 and 37 above and further in view of Blotky. Freeman fails to disclose the controls in the form of touch sensitive areas. Blotky discloses a controller on a bracelet display comprising touch screens or buttons (pg 6, line12) so that the wearer can program the microprocessor (pg 5, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display member of Freeman with the touch sensitive areas of Blotky so the wearer can program the microprocessor.

Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Maveety as applied to claim 25 above, and further in view of Kuroda.

Regarding Claim 26, Freeman discloses the display member as comprising a filter layer (Col 5, lines 65-67), and discloses in Figures 2A and 2B, a flexible wearable illuminating device comprising an anti-moisture covering 26, (Col 3, lines 1-10). Freeman fails to disclose the display member having a rubber backing, and a thin strip of metal forming the malleable strip. However, Kuroda discloses in Figure 1, a rubber backing 6 (Col 3, line 67-68) to prevent the human body from being hurt from the ends of the metal plate (Col 4, lines 23-26) and a stainless steel material used as the malleable thing metal strip because it maintains its luster semi-permanently (Col 2, lines10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to back the metal plate of Freeman with the rubber backing and stainless steel metal strip of Kuroda so that the human body is not hurt from the ends of the metal plate and the metal band maintains its luster semi-permanently.

Response to Arguments

Applicant's arguments and remarks, filed 8 March 2007, and during the interview have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection have been made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Proellochs (4,958,279) discloses a band, which is moldable to a wearer's wrist.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on (571) 272-7044. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM

3/19/07

RENEE LUEBKE
PRIMARY EXAMINER